



AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
L-5.

| | |
|--------------|---|
| MEETING DATE | 2018-06-12 10:05 - School Board Operational Meeting |
| AGENDA ITEM | ITEMS |
| CATEGORY | L. OFFICE OF PORTFOLIO SERVICES |
| DEPARTMENT | Charter Schools/Management Support |

| |
|--|
| Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No |
| Time |
| Open Agenda <input type="radio"/> Yes <input checked="" type="radio"/> No |

TITLE:

Third Amendment to Charter School Agreement with The National Ben Gamla Charter School Foundation, Inc.

REQUESTED ACTION:

Approve the Third Amendment to the Charter School Agreement with The National Ben Gamla Charter School Foundation, Inc., on behalf of Ben Gamla Preparatory Charter High School - 5182 and Ben Gamla Preparatory Academy - 5204.

SUMMARY EXPLANATION AND BACKGROUND:

Section 1002.331(7)(a)19c, Florida Statutes, states, "A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. A copy of all supporting documents is available at the Charter Schools Management/Support Department on the 12th floor of the K.C.W. Administration Center. A copy of all supporting documents is available online via the Broward County Public Schools eAgenda at : <https://webappe.browardschools.com/eagenda/>

See Supporting Docs for continuation of Summary Explanation and Background.

This agreement has been reviewed and approved as to form and legal content by the Office of the General Counsel.

SCHOOL BOARD GOALS:

Goal 1: High Quality Instruction Goal 2: Continuous Improvement Goal 3: Effective Communication

FINANCIAL IMPACT:

There is no financial impact to the District.

EXHIBITS: (List)

(1) Continuation of Summary Explanation and Background (2) Ben Gamla ES Consolidation (3) The Ben Gamla Preparatory Academy 5182 Amendment

BOARD ACTION:

APPROVED

(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

| | |
|------------------|---------------------|
| Name: Jody Perry | Phone: 754-321-2135 |
| Name: | Phone: |

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Senior Leader & Title

Leslie M. Brown - Chief Portfolio Services Officer

Signature
Leslie M. Brown
5/14/2018, 2:34:32 PM

Approved In Open Board Meeting On: **JUN 12 2018**
By: *Nora Rupert*
School Board Chair

Continuation of Summary Explanation and Background:

Section 1002.331(7)(a)19c, Florida Statutes, states, "A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. Modification may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle."

The Sponsor has conducted annual reviews of the charter schools' academic progress, operational performance and financial viability and both charters schools are operating within the scope of the charter agreements for The National Ben Gamla Charter School Foundation, Inc.

The National Ben Gamla Charter School Foundation, Inc., on behalf of Ben Gamla Preparatory Charter School – 5182 and Ben Gamla Preparatory Academy – 5204, desires to consolidate the middle and high school allowing Ben Gamla Preparatory Charter High School – 5182, to continue to serve its students as well as those students previously served by Ben Gamla Preparatory Academy – 5204. The consolidation will conclude the agreement between Sponsor and the Foundation for the Charter School known as Ben Gamla Preparatory Academy – 5204. It also desires to change the name of its school to The Ben Gamla Preparatory Academy – 5182.

The National Ben Gamla Charter School Foundation., on behalf of Ben Gamla Preparatory Academy – 5204, desires to conclude its Charter School Agreement, as of June 30, 2018, as part of the consolidation of the schools.

A copy of all supporting documents is available at the Charter Schools Management/Support Department on the 12th floor of the K.C.W. Administration Center.

A copy of all supporting documents is available online via the Broward County Public Schools eAgenda at: <https://webappe.browardschools.com/eagenda>.

EXECUTIVE SUMMARY

Ben Gamla Preparatory Academy
5204

| | |
|--------------------------------|--------------------------------------|
| Grades | 6-8 |
| Benchmark Day Enrollment Count | 217 |
| Current Enrollment | 214 |
| Target Population | Neighborhoods surrounding the school |
| Curriculum Focus | Traditional |
| School Grade 2016-2017 | A |
| School Grade 2015-2016 | B |

Ben Gamla Preparatory Charter High School
5182

| | |
|--------------------------------|--------------------------------------|
| Grades | 9-12 |
| Benchmark Day Enrollment Count | 255 |
| Current Enrollment | 245 |
| Target Population | Neighborhoods surrounding the school |
| Curriculum Focus | Traditional |
| School Grade 2016 – 2017 | C |
| School Grade 2015-2015 | C |

Section 1002.33(7)(a)19c Florida Statutes, provides as follows:

(c) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school’s governing board and the approval of both parties to the agreement.

Modification may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle. [Emphasis added]

The Sponsor has conducted annual reviews of the charter schools’ academic progress, operational performance and financial viability and both charter schools are operating within the scope of the charter agreements.

Ben Gamla Preparatory Academy – 5204, desires to consolidate with Ben Gamla Preparatory Charter High School – 5182, thereby concluding its Charter School Agreement (known as Ben Gamla Preparatory Academy – 5204), as of June 30, 2018.

Ben Gamla Preparatory Charter High School – 5182, desires to change the name of the consolidated school to The Ben Gamla Preparatory Academy – 5182 as of July 1, 2018.

Ben Gamla Preparatory Charter High School – 5182, desires to amend its Charter School Agreement to allow it to serve students previously enrolled in Ben Gamla Preparatory Academy – 5204, as well as students assigned to The Ben Gamla Preparatory Academy –

5182, f/k/a Ben Gamla Preparatory Charter High School – 5182 thereby effecting a charter school consolidation as prescribed by state statute.

The original agreement with Ben Gamla Preparatory Academy – 5204, was approved at the April 21, 2015, Regular School Board Meeting, Item L-1. The original agreement acknowledged the school’s co-location with Ben Gamla Preparatory Charter High School – 5182. On July 28, 2015, an amendment to Charter School Agreement for Ben Gamla Preparatory Academy – 5204, was approved at the Regular School Board Meeting, Item L-8 to allow the colocation with Ben Gamla Charter High School - 5005.

The original agreement with Ben Gamla Preparatory Charter High School – 5182, was approved at the April 21, 2015, Regular School Board Meeting, Item L-2. The term of the agreement is July 1, 2015 to June 30, 2020. On July 28, 2015, an amendment to the Charter School Agreement with Ben Gamla Preparatory Charter High School – 5182, was approved at the Regular School Board Meeting, Item L-6 to co-locate with Ben Gamla Charter High School – 5005. On May 17, 2016, a second amendment to the Charter School Agreement with Ben Gamla Preparatory Charter High School – 5182 was approved at the Regular School Board Meeting, Item L-3 to consolidate with Ben Gamla Charter High School – 5005 with the remaining MSID 5182.

This statutorily permissible consolidation does not impact current charter student placement but limits the contract capacity of the remaining charter school, The Ben Gamla Preparatory Academy – 5182, to a total of 400.

The Ben Gamla Preparatory Academy– 5182, is located within District 1.

The governing board members of the National Ben Gamla Charter School Foundation reside in Miami-Dade County, Florida.

The Ben Gamla Preparatory Academy – 5182 f/k/a/
Ben Gamla Preparatory Academy - 5204
Ben Gamla Preparatory Charter High School - 5182
Third Amendment to Charter School Agreement

**THIRD AMENDMENT TO
CHARTER SCHOOL AGREEMENT**

This Third Amendment to the CHARTER SCHOOL AGREEMENT (“Third Amendment”) is made and entered into as of this 12th day of June 2018 by and between:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA,
a body corporate operating and existing under the laws of the State of Florida
[hereinafter referred to as “Sponsor”],
and having its principal place of business located at
600 Southeast Third Avenue, Fort Lauderdale, Florida 33301

and

THE NATIONAL BEN GAMLA CHARTER SCHOOL FOUNDATION, INC.,
a Florida not-for-profit organization [hereinafter referred to as “Foundation”],
and having its principal place of business located at
2620 Hollywood Boulevard, Hollywood, FL 33020

WHEREAS, the Sponsor and Foundation entered into a Charter School Agreement for Ben Gamla Preparatory Academy (Master School Identification Number 5204) (“Ben Gamla Preparatory Academy – 5204”) on or about April 21, 2015, which incorporates by reference the Foundation’s charter school application wherein the Foundation was authorized to operate Ben Gamla Preparatory Academy – 5204, as a charter school in Broward County, Florida; and

WHEREAS, the Sponsor and Foundation entered into another Charter School Agreement on or about April 21, 2015, which incorporates by reference the Foundation’s charter school application, wherein the Foundation was authorized to operate an additional charter school in Broward County, Florida known as “Ben Gamla Preparatory Charter High School (Master School Identification Number 5182) (“Ben Gamla Preparatory Charter High School – 5182”); and

WHEREAS, Section 2.B.4 of each of the aforesaid Charter School Agreements permits the amendment of those agreements during their terms through mutual agreement of the parties, provided such modifications are agreed to in writing and executed by both parties; and

WHEREAS, the Sponsor and Foundation previously agreed on July 28, 2015, to amend the Charter School Agreement for Ben Gamla Charter High School – 5005, to permit its relocation and co-location with Ben Gamla Preparatory Charter High School – 5182, and Ben Gamla Preparatory Charter School – 5204; and

The Ben Gamla Preparatory Academy – 5182 f/k/a/
Ben Gamla Preparatory Academy - 5204
Ben Gamla Preparatory Charter High School - 5182
Third Amendment to Charter School Agreement

WHEREAS, on July 28, 2015, the Sponsor and Foundation entered into an Amendment to the Charter School Agreement for Ben Gamla Preparatory Charter High School – 5182, to change its location and co-locate with Ben Gamla Charter High School – 5005, and Ben Gamla Preparatory Charter School – 5204; and

WHEREAS, on May 17, 2016, the Sponsor and Foundation entered into a Second Amendment to the Charter School Agreement for Ben Gamla Preparatory Charter High School – 5182, to consolidate with Ben Gamla Charter High School – 5005; and

WHEREAS, the parties desire to consolidate the co-located middle and high school Ben Gamla Preparatory Academy - 5204 and Ben Gamla Preparatory Charter High School – 5182; allowing Ben Gamla Preparatory Charter High School – 5182, to continue to serve its students as well as those students previously served by Ben Gamla Preparatory Academy – 5204, in which the consolidation will conclude the agreement between Sponsor and the Foundation for the charter school known as Ben Gamla Preparatory Academy – 5204. Such consolidation will create a 6-12 grade level configuration on for Ben Gamla Preparatory Charter High School – 5182; and

WHEREAS, the Charter School desires to change its name to The Ben Gamla Preparatory Academy; and

NOW, THEREFORE, and in consideration of the mutual covenants and promises contained herein, and for other good and valuable consideration, the parties hereby amend the Amended Agreement as follows:

1.01 **Recitals:** The foregoing recitals are true and correct and are incorporated within this Third Amendment by reference.

1.02 **Effective Date:** This Third Amendment to Charter School Agreement pertaining to the amendment of the Charter School Agreement for The Ben Gamla Preparatory Academy – 5182, shall be effective as of July 1, 2018, and the Charter School Agreement between the parties pertaining to Ben Gamla Preparatory Academy – 5204, shall conclude on June 30, 2018.

(a) As of the effective date, the remaining Charter School will be known as “The Ben Gamla Preparatory Academy – 5182” (“School”). All references to “Ben Gamla Preparatory Academy” (Ben Gamla Preparatory Academy – 5204) and “Ben Gamla Preparatory Charter High School” (Ben Gamla Preparatory Charter High School – 5182) are deleted.

1.03 **Amendments:** The following portions of the Charter School Agreement for The Ben Gamla Preparatory Academy – 5182, shall be amended to provide as follows:

The Ben Gamla Preparatory Academy – 5182 f/k/a/
Ben Gamla Preparatory Academy - 5204
Ben Gamla Preparatory Charter High School - 5182
Third Amendment to Charter School Agreement

Section 4.A: **Eligible Students:** The School shall enroll all eligible students in accordance with Section 1002.33(10), Florida Statutes, up to the maximum school enrollment capacity approved by the Sponsor through its approval of this Agreement. Furthermore, the School's enrollment capacity is increased to a maximum for the charter of 600 students. The School's enrollment capacity is further limited by the capacity of the certificate of use, certificate of occupancy, or fire permit issued by the municipality where the School is located. The School shall not be eligible for or receive funds for enrollment beyond the maximum enrollment capacity provided herein. The parties agree that the approved school enrollment capacity is the minimum enrollment that will support the School's operations at an adequate level under its approved budget. If the School fails to achieve the minimum school enrollment capacity as provided herein by the October FTE reporting period, such shall be considered good cause for termination or non-renewal for failure to meet generally accepted standards of school management as provided in Section 1002.33(8)(a)(2), Florida Statutes, unless the School provides the Sponsor a revised and balanced budget within sixty (60) days of October FTE reporting period. A student may not be transferred by the School to another charter school or district school except upon prior written consent of the student's parent/guardian or of the student (if an adult). The School agrees that any transfer or withdrawal of students shall be conducted in accordance with the Sponsor's student transfer and withdrawal policies and procedures. Parents may withdraw a student from the School at any time. In such event, the student shall either return to the student's regularly assigned district school or to another school with an appropriate program.

Section 6.C.5: **Shared Use of a Facility with Other Entities:** The School shall disclose to the Sponsor the identity of any entity with whom it will share the facility or space or share any temporary facility during the term of this Charter. At no time will the total enrollment of all the schools and charter school sharing any such facility exceed the Certificate of Occupancy, Certificate of Use or Fire Permit capacities of the facility.

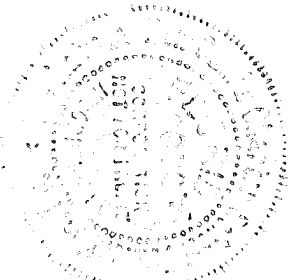
1.04 **School Number:** The School will continue to be identified by Master School Identification Number 5182.

1.05 **Order of Precedence among Agreement Documents:** In the event of a conflict between the provisions of the Charter School Agreement for The Ben Gamla Preparatory Academy – 5182, and the provisions contained herein, the provisions of the following documents shall take precedence in this order:

- (a) This Third Amendment to the Agreement;
- (b) The Second Amendment to the Agreement;
- (c) The First Amendment to the Agreement;
- (c) The Agreement; then
- (d) The Charter Application, Appendix IA.

1.06 **Other Provisions, as Amended, Remain in Force:** Except as expressly provided herein, all other portions of the charter school agreement for The Ben Gamla Preparatory Academy – 5182, shall remain in full force and effect.

The Ben Gamla Preparatory Academy – 5182 f/k/a/
Ben Gamla Preparatory Academy - 5204
Ben Gamla Preparatory Charter High School - 5182
Third Amendment to Charter School Agreement



(Corporate Seal)

FOR THE SCHOOL

The National Ben Gamla Charter School
Foundation, Inc.

by Debra Klein
Debra Klein, Board Chair

Attest: _____

Secretary

[Signature]
Witness
[Signature]
Witness

STATE OF FLORIDA

COUNTY OF BROWARD

The foregoing instrument was acknowledged before me this 30 day of April, 2018
by Debra Klein, Board Char of The National Ben Gamla Charter School Foundation, Inc.
the Governing Entity

She took an oath and is personally known to me or has produced _____ as
identification.

My commission expires:

(SEAL)

My commission expires:

Annette M. Iraola
Signature – Notary Public

Annette M. Iraola
Printed Name of Notary Public



The Ben Gamla Preparatory Academy – 5182 f/k/a/
Ben Gamla Preparatory Academy - 5204
Ben Gamla Preparatory Charter High School - 5182
Third Amendment to Charter School Agreement

FOR THE SPONSOR

(Corporate Seal)

ATTEST:

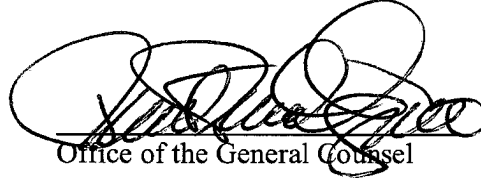


Robert W. Runcie
Superintendent of Schools

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By Nora Rupert
Nora Rupert, Chair

Approved as to Form and Legal Content:



05/09/18
Office of the General Counsel